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AUG 04 2008

U.S. Patent Application No. 10/549,905

Docket No.: 13907-02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

· In re Application of:

Dionysios Papaioannou et al.

Confirmation No.7153

U.S. Patent Application No. 10/549,905

Group Art Unit: 1624

Filed: September 20, 2005

Examiner: Jarrell, Noble E.

For: Polyamine Conjugates With Acidic Retinoids and Preparation Thereof

REQUEST FOR RECONSIDERATION OF THE DECISION ON PETITION UNDER 37 CFR 1.47(a) (FILING WHEN AN INVENTOR REFUSES TO SIGN) AND RENEWED PETITION UNDER 37 CFR 1.47(a)

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450

Alexandria VA 22313-1450

Sir:

Pursuant to 37 CFR §1.47(a) and in response to a Decision mailed by the U.S. Patent and Trademark Office on February 4, 2008 ("Decision"), Applicants, Dionysios PAPAIOANNOU, and Dionysios DRAINAS, who executed a Declaration for this Application, respectfully petition to make this application on their own behalf and on behalf of the non-signing joint inventor Prof. Dr. Dionysios TSAMBAOS.

In the Decision it was stated that the Petition under 37 CFR §1.47(a) filed on 20 September 2005 ("September 2005 Petition") was dismissed because, although the September 2005 Petition satisfied most of the requirements of that section, it did not provide the factual proof that the missing joint inventor could not be located or refused to cooperate. Decision, page 2. It was explained that the letter of 2 September 2005 sent by the non-signing inventor indicated affirmative refusal by Prof. Dr. Tsambaos to join in the application, but the letter did not indicate that he had been presented with the application papers.

In a telephone conversation with Mr. James Thomson during the week of July 14, 2008,

U.S. Patent Application No. 10/549,905

Mr. Thomson advised the undersigned counsel that if evidence is submitted that a complete application, including specification, claims, drawings and oath or declaration, is presented to Prof. Dr. Tsambaos, but he refuses to accept delivery of the papers or otherwise indicates his refusal, this would be sufficient proof that Prof. Dr. Tsambaos refused to cooperate. Mr. Thomson explained that silence by Prof. Dr. Tsambaos would be considered an indication of refusal. Applicants appreciate Mr. Thomson's attention to this matter.

Applicants provide herewith a documentary evidence that a complete copy of the subject application (including specification, claims, Abstract and drawings, new Declaration and Assignment) were mailed to the last-known address and e-mailed to the non-signing joint inventor Prof. Dr. Dionysios TSAMBAOS. This Petition is accompanied by:

- (a) a copy of the letter dated July 18, 2008 mailed to the last known address of the inventor Prof. Dr. Dionysios Tsambaos;
- (b) copies of the Declaration executed by the inventors, Dionysios PAPAIOANNOU, and Dionysios DRAINAS, and Application Data Sheet, accompanying the Declaration, both filed in this application on January 17, 2008;
- (c) a copy of the new Declaration included with the July 18, 2008 letter;
- (d) statement by Stanislaus Aksman, Reg. No. 28, 562;
- (e) statement by Arsalan Malik;
- (f) petition for four months extension of time.

Applicants state that the last known address of Prof. Dr. Dionysios TSAMBAOS is:

Prof. Dr. Dionysios Tsambaos Clinics of Dermatology Medical Sector University of Patras Patras 26504, Greece

The July 18, 2008 letter stated, in pertinent part, that if we do not receive a reply from

U.S. Patent Application No. 10/549,905

Prof. Dr. Tsambaos by August 1, 2008, we would understand that he refuses to execute the Declaration and participate in the proceedings of this Application. No reply was received from Prof. Dr. Tsambaos. Thus, we conclude that Prof. Dr. Tsambaos refuses to sign the Declaration and join in the Application.

Applicants submit that this renewed Petition, together with the September 2005 Petition, satisfies the requirements of 37 CFR § 1.47(a) and respectfully request reconsideration of the dismissal and the grant of the Petition.

Any questions can be directed to Applicants' undersigned attorney.

The Director is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-2478 and to credit any excess fees to such deposit account.

Respectfully submitted,

7Stanislaus AksmanRegistration No. 28,562

Roberts, Mlotkowski, Safran & Cole P.C. Intellectual Property Department P.O. Box 10064
McLean, VA 22102
Telephone: 703-584-3270
Facsimile: 703-848-2981

August 4, 2008



Roberts Mlotkowski Safran & Cole, P.C.

Intellectual Property Law

7918 Jones Branch Drive - Suite 500 - McLean, VA 22102 - Tel: 703.584.3270 - Fax: 703.848.2981 - Email: rmsclaw.com

July 18, 2008

VIA E-MAIL AND GLOBAL PRIORITY MAIL

Prof. Dr. Dionysios Tsambaos Clinics of Dermatology Medical Sector University of Patras Patras 26504, Greece

Re:

U.S. Patent Application No. 10/549,905

Based on:

International Application No. PCT/GR2002/000045

Title:

Polyamine Conjugates with Acidic Retinoids and Preparation Thereof

Our Ref.:

13907.02

Dear Dr. Tsambaos:

We are writing on behalf of our client, Biomedica Life Sciences S.A. (Biomedica). We understand that you have communicated with Biomedica in the past about the above-identified patent application and advised them that you no longer wish to be part of the proceedings in the U.S. Patent and Trademark Office (USPTO) in the above-identified patent application, as set forth in your Declaration dated 5 September, 2005.

Nonetheless, the USPTO rules establish certain requirements in such situations which must be satisfied to establish your refusal to participate in the application.

Accordingly, we enclose the application, including specification, claims, abstract and drawings as filed in the USPTO on 20 September, 2005 and a new Declaration and Assignment documents which need to be executed by each of the inventors and filed in the USPTO in connection with this application.

Please acknowledge safe receipt of all the documents, review, sign the Declaration and Assignment and return them to us at your earliest convenience.

If you refuse to sign the Declaration, please state so in this letter (in the space provided below) and return it to us by fax, e-mail and/or mail by <u>August 1, 2008</u>. If you do not reply by that date, we will understand that you refuse to execute the Declaration and refuse to participate in the proceedings of the application in the USPTO.

Prof. Dr. Dionysios Tsambaos Department of Dermatology, School of Medicine, University of Patras July 18, 2008

If you have any questions, please do not hesitate to contact us.

Date: July 18, 7008

Stanislans Aksman

I refuse to execute the Declaration and refuse to participate in the proceedings of the application in the USPTO.

Date:

Prof. Dr. Dionysios Tsambaos

Enclosures

cc: Mr. Yannis Vitsaras Ms. Demi Martiadi Mr. Alvertos Somarakis

RECEIVED CENTRAL FAX CENTER

AUG 04 2008

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76) AND POWER OF ATTORNEY

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Title of Invent	noi	Polyamin	e Conjugate	s With Acidic Re	etinoids and Preparation Thereof
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Inventor one:	Dior	rysios Pap	аіоаппоц		
Signature:					Citizen of: Greece
Inventor two:	Dion	vsios Dra	inas		
Signature:		·			Citizen of: <u>Greece</u>
Inventor three:	Dion	ysios Tsar	nbaos		
Signature:		·			Citizen of: Greece
Inventor four:		· · · · · · · · · · · · · · · · · · ·			
Signature:					_ Citizen of:

APPEND RECEIVED CENTRAL FAX CENTER

AUG 0 4 2008

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76) AND POWER OF ATTORNEY

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Application Data Sheet 37 CFR 1.76		. Attorney Docket Number	RECEIVED CENTRAL FAX CENTE				
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Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 EFS Web 2.2.1

PTO/SB/14 (07-07)

28562

Stanislaus

Last Name

First Name

Aksman

Under the f	Paperwork Reduction Act of 1995, no per	U.S. Pate rsons are required to respond to a collect	ent and Trademark Office: U.S. DEP.	8/30/2010. OMB 0851-0033 ARTMENT OF COMMERCE 8 valid OMB control number	_	
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Registration Number

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

AUG 0 4 2008

Docket No.: 13907-02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dionysios Papaioannou et al.

Confirmation No.7153

U.S. Patent Application No. 10/549,905

Group Art Unit: 1624

Filed: September 20, 2005

Examiner: Jarrell, Noble E.

For:

Polyamine Conjugates With Acidic Retlnoids and Preparation Thereof

STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

I, Stanislaus Aksman, state that on July 18, 2008 I sent, or had sent on my behalf, a letter together with the application, including specification, claims, abstract and drawings as filed in the U.S. Patent and Trademark Office (USPTO) on 20 September, 2005 and a new Declaration and Assignment documents via global priority mail and e-mail to the last known address of the inventor Prof. Dr. Dionysios Tsambaos (copies of the Express Mail receipt and USPS Track & Confirm search results and e-mail being attached to the Statement of Mr. Arsalan Malik, enclosed herewith).

I have requested Dr. Tsambaos to acknowledge safe receipt of all the documents, review, sign and return the Declaration and Assignment documents for filing in the U.S. Patent and Trademark Office (USPTO).

Also, I stated in the letter that if Dr. Tsambaos refuses to sign the Declaration, he can state so in the letter and return it to us by fax, e-mail and/or mail by <u>August 1, 2008</u>. Otherwise, if no reply is received by that date, we would understand that he refuses to execute the Declaration and refuses to participate in the proceedings of the application in the USPTO.

I have not received a reply from Prof. Dr. Tsambaos.

Respectfully submitted,

Registration No. 28,562

Roberts Mlotkowski Safran & Cole P.C. Intellectual Property Department P.O. Box 10064 McLean, VA 22102 Telephone: 703-584-3270

Facsimile: 703-584-3270

August 4, 2008

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Docket No.: 13907-02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dionysios Papaioannou et al.

Confirmation No.7153

- U.S. Patent Application No. 10/549,905

Group Art Unit: 1624

Filed: September 20, 2005

Examiner: Jarrell, Noble E.

For: Polyamine Conjugates With Acidic Retinoids and Preparation Thereof

STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

I, Arsalan Malik, am employed by the law firm of Roberts Mlotkowski Safran & Cole. Mr. Stanislaus Aksman asked me to assist him with mailing to Prof. Dr. Dionysios Tsambaos certain documents for the above-identified matter, i.e., a cover letter signed by Mr. Aksman, and copies of the application, including specification, claims, abstract and drawings, and a Declaration and Assignment, via global priority mail and e-mail. I state that I emailed and mailed such documents to Prof. Dr. Dionysios Tsambaos on July 18, 2008 (copies of the Express Mail receipt and USPS Track & Confirm search results and e-mail being attached).

I have not received a reply from Prof. Dr. Tsambaos.

Respectfully submitted.

Aualen Mall

Arsalan Malik

Roberts Mlotkowski Safran & Cole P.C. Intellectual Property Department P.O. Box 10064
McLean, VA 22102
Telephone: 703-584-3270
Facsimile: 703-848-2981

August 4, 2008

Arsalan Malik

From:

Arsalan Malik

Sent:

Friday, July 18, 2008 5:38 PM

To:

'tsambaos@med.upatras.gr'

Cc:

'd.martiadi@biomedica.gr'; 'asomarakis@biomedica.gr'; 'vitsaras@biomedica.gr'; Stanislaus

Aksman; Iryna Ridchenko

Subject:

U.S. Patent Application 10/549,905 - RMSC Ref: 13907.02

Attachments: 1.pdf; 2.pdf; 3.pdf; 4.pdf

Dear Dr. Tsambaos:

Attached please find correspondence from Mr. Stanislaus Aksman dated July 18, 2008, along with several attachments.

Please confirm safe receipit.

If you have any questions or concerns regarding this matter, please feel free to contact our office.

Best regards,

Arsalan Malik Assistant to Mr. Stanislaus Aksman

Roberts Mlotkowski Safran & Cole, P.C. 7918 Jones Branch Drive, Suite 500 McLean, VA 22102

Direct Dial: (703) 677-3005;

Main Number: (703) 584-3270; Main Fax: (703) 848-2981

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DR. DIONYSIOS TSAMBAOS CLINICS OF DERMATOLOGY MEDICAL SECTOR UNIVERSITY OF PATRAS 26504 PATRAS GREECE

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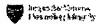
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